

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Baxley

Mailed: August 20, 2007

Opposition No. 91175522
Cancellation No. 92047788

UV Sales, Inc. ("UV")

v.

Opthonix, Inc. ("Opthonix")

Opposition No. 91175710
Cancellation No. 92047829

Opthonix.

v.

UV

(as consolidated)

Andrew P. Baxley, Interlocutory Attorney:

The Board's August 16, 2007 order is modified to reflect that the four above-captioned proceedings are consolidated.

The copies of the notice instituting Cancellation No. 92047829 and the petition to cancel in that proceeding that the Board forwarded to UV were returned by the Postal Service as undeliverable.

In the notice of opposition that resulted in the institution of Opposition No. 91175522 and the petition to cancel that resulted in the institution of Cancellation No.

Opposition Nos. 91175522 and 91175710; Cancellation Nos. 92047788 and 92047829

92047788, UV indicated that its principal address is 24 Link Drive, Rockleigh, NJ 07647. Accordingly, the Board presumes that such address is UV's correct address and herewith resends copies of the institution notice and petition to cancel in Cancellation No. 92047829 to UV at that address.

UV's time for filing an answer to the petition to cancel in Cancellation No. 92047829 is extended to forty days from the mailing date set forth in the caption of this order. Any discovery requests or notices served solely in connection with that proceeding that remain unanswered as of the mailing date of this order must be reserved in accordance with the rules, unless otherwise agreed to by the parties.

Because the involved proceedings were consolidated prior to joinder of the issues in the above-captioned cancellation proceedings, the defendant in each of those proceedings should file its answer in that proceeding before the parties commence the practice of filing a single copy of any submission in the parent case.

In keeping with Board practice, the Board adopts the closing date for the discovery period in the most recently instituted of the proceedings at issue, Cancellation No. 92047829, for these consolidated proceedings. See TBMP Section 511 (2d ed. rev. 2004). Discovery and testimony periods are reset as follows:

Opposition Nos. 91175522 and 91175710; Cancellation Nos. 92047788 and 92047829

THE PERIOD FOR DISCOVERY TO CLOSE: 2/5/08

30-day testimony period for UV as plaintiff in Opposition
No. 91175522 and Cancellation No. 92047788 to close: 5/5/08

30-day testimony period for Ophthonix as defendant in
Opposition No. 91175522 and Cancellation No. 92047788
and as plaintiff in Opposition No. 91175710 and
Cancellation No. 92047829 to close: 7/4/08

30-day testimony period for UV as defendant in Opposition
No. 91175710 and Cancellation No. 92047829 and its rebuttal
Testimony period as plaintiff in Opposition No. 91175522
8 to close: 9/2/08

15-day rebuttal testimony period for Ophthonix as plaintiff in
Opposition No. 91175710 and Cancellation No. 92047829 to
close: 10/17/08

Briefs shall be due as follows:
[See Trademark rule 2.128(a)(2)].

Brief for UV as plaintiff in Opposition No. 91175522
and Cancellation No. 92047788 shall be due: 12/16/08

Brief for Ophthonix as defendant in Opposition No. 91175522
and Cancellation No. 92047788 and as plaintiff in Opposition No.
91175710 and Cancellation No. 92047829 shall be due: 1/15/09

Brief for UV as defendant in Opposition
No. 91175710 and Cancellation No. 92047829 and its rebuttal
brief (if any) as plaintiff in Opposition No. 91175522
and Cancellation No. 9204778 shall be due: 2/14/09

Reply brief (if any) for Ophthonix as plaintiff in Opposition
No. 91175710 and Cancellation No. 92047829 shall be due: 3/1/09

Opposition Nos. 91175522 and 91175710; Cancellation Nos. 92047788 and 92047829

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.